

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CORNELIUS LOVETT,

Plaintiff,

v.

ALPHA EPSILON PHI,

Defendant

No. C-05-3132 MMC

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR STAY OR CONTINUANCE;
CONTINUING CASE MANAGEMENT
CONFERENCE; DIRECTIONS TO
PLAINTIFF**

Before the Court is plaintiff's motion for a stay or continuance. In his motion, plaintiff seeks to continue the initial case management conference, currently scheduled for November 4, 2005, as well as the deadline by which he is required to serve defendant, on the ground that he will be out of the state until November 5, 2005.

In light of plaintiff's unavailability on November 4, 2005, plaintiff's request to continue the case management conference is hereby GRANTED, and the case management conference is continued from November 4, 2005, to December 16, 2005, at 10:30 a.m., in Courtroom 7. A joint case management statement shall be filed no later than December 9, 2005.

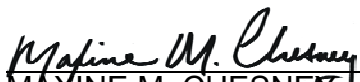
As plaintiff filed his complaint on August 2, 2005, the deadline for plaintiff to serve defendant is November 30, 2005. See Fed. R. Civ. P. 4(m) (providing deadline to serve defendant is 120 days from date of filing of complaint). Because plaintiff will be returning to

1 California several weeks prior to the deadline, and because plaintiff may, in any event,
2 arrange for service of process to be conducted by a third party, there is no reason to
3 continue the deadline to serve defendant. Accordingly, plaintiff's motion to continue the
4 deadline to serve defendant is hereby DENIED, without prejudice.

5 Finally, plaintiff is hereby ORDERED to serve defendant with a copy of the instant
6 order, at the time plaintiff, or a person acting on plaintiff's behalf, serves defendant with a
7 copy of the summons and complaint.

8 **IT IS SO ORDERED.**

9
10 Dated: September 23, 2005


MAXINE M. CHESNEY
United States District Judge